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11 Attorneys for Plaintiff JANE ROE and  
12 the Proposed Class

13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 JANE ROE,  
17 Plaintiff,  
18 v.  
19 FRITO-LAY, INC., a foreign  
20 corporation doing business in  
California, and DOES 1 through 10,  
21 inclusive,  
22 Defendants.

Case No. 3:14-CV-00751 HSG

**DECLARATION OF JOSHUA E.  
KIM IN SUPPORT OF  
PLAINTIFF'S MOTION FOR  
PRELIMINARY APPROVAL OF  
SETTLEMENT**

Judge: Hon. Haywood Gilliam, Jr.  
Courtroom: 15

23  
24 I, Joshua E. Kim, declare:

25 1. I have personal knowledge of the facts set forth in this Declaration, and,  
26 if called to testify, I could and would testify competently to the matters stated herein.

27 2. I am counsel of record for the Plaintiff Jane Roe in the above-captioned  
28 matter.

1           3.     I submit this Declaration in support of Plaintiffs’ Motion for Preliminary  
2 Approval of Settlement. I have been and remain fully devoted to prosecuting this case  
3 on behalf of Plaintiff and the class. I respectfully submit the following description of  
4 my qualifications in order to request that this Court deem me adequate to represent  
5 the Class pursuant to Federal Rule of Civil Procedure 23.

6           4.     I first started working at A New Way of Life Reentry Project  
7 (“ANWOL”) as a student intern in 2007 and then as a staff attorney since becoming  
8 licensed in 2008 and as the Director of Advocacy Department in 2014. In 2015, I  
9 transitioned to become a Litigation Attorney to conduct all individual and class action  
10 litigations, including writs.

11           5.     ANWOL is a non-profit organization located in South Central Los  
12 Angeles that advocates on behalf of individuals with criminal records. It was founded  
13 by a formerly-incarcerated individual, Susan Burton, who is its current Executive  
14 Director and has been honored as a top 10 CNN Hero of 2010 as well as the recipient  
15 of the 2010 Gleitsman Citizen Activist Award by the Harvard Kennedy School of  
16 Government for her tireless work for people with criminal records.

17           6.     I have personally and actively participated in many cases to vindicate the  
18 rights of people with criminal records. For example, I represented numerous  
19 individuals in post-conviction relief petitions in Superior Court of California,  
20 including a published appellate case, *People v. Parker*, 217 Cal.App.4th 498  
21 (Cal.App.2d Dist. 2013). And I co-counseled in a class action filed against the  
22 Superior Court of California, County of Los Angeles, for its failure to seal and destroy  
23 minor marijuana conviction records—resulting in the court’s reformation of its policy  
24 and practice to comply with the law. *Doe v. Clarke* (LASC Case No. BC474207). I  
25 have also served as co-counsel, along with American Civil Liberties Union and  
26 Lawyers’ Committee for Civil Rights, in legal efforts against the California Secretary  
27 of State, to clarify the voting rights of people sentenced under the new Realignment.  
28 *See All of Us or None v. Debra Bowen* (1st App. Dist. Case No. A134775). And, as

1 the lead counsel, I filed a successful writ against the Riverside County Sheriff's  
2 Department to open the county jails for voter registration activities. *All of Us or None*  
3 *v. Sheriff Sniff*, Case No. RIC1214296 (Riverside Superior Court, filed Sept. 2012).

4 7. To date, I have also been the lead counsel or co-counsel in a number of  
5 individual cases filed in state court specifically alleging violations of the Fair Credit  
6 Reporting Act, 15 U.S.C. § 1681, *et seq.*, and its analog in California, the Investigative  
7 Consumer Reporting Agencies Act ("ICRAA"), Cal. Civ. C. § 1786, *et seq.*

8 8. I was also counsel for a number of other class actions pending in  
9 California state and federal courts involving similar claims, including: *Watkins v.*  
10 *HireRight* (C.D. Cal., Case No. 3:13-cv-01432-MMA); *Regalado v. Ryder* (C.D. Cal.,  
11 Case No. 2:12-cv-05737-DSF-FFM); and *Roe v. Intellicorp Records, Inc.* (N.D. Ohio,  
12 Case No. 1:12-cv-02288).

13 9. Prior to law school, I worked as a web application developer and have  
14 extensive knowledge and skills with database analysis. I have found that my database  
15 and programming skills are very useful when conducting discovery of electronically-  
16 stored information (ESI), especially in class action litigation, because I can speak both  
17 "law" and "database," readily translating questions of fact into database queries and  
18 vice versa.

19 10. I have also represented a number of clients before the United States  
20 Equal Employment Opportunity Commission ("EEOC") on claims related to Title VII  
21 of the Civil Rights Act of 1964 ("Title VII"), including a recent case that favorably  
22 settled against a national trucking company, JB Hunt.

23 11. My knowledge and experience in this area of practice extends beyond  
24 the courtroom. I have trained and presented on topics relevant to the claims in this  
25 matter. I have been invited to give a presentation on and/or train staff regarding  
26 reentry law issues, including California "clean slate" laws, Title VII, ICRAA, and the  
27 FCRA. Previously, I have trained the staff at the EEOC, Los Angeles District Office,  
28 on the employer's use of criminal records for the purpose of Title VII compliance at

1 the invitation of the former Los Angeles Regional Director, Olophius Perry, in  
2 partnership with the National Employment Law Project. I have also been invited to  
3 provide the same training to the staff at the California Department of Fair  
4 Employment and Housing. I regularly provide trainings and presentations at various  
5 governmental and community-based organizations on the issues related to the rights  
6 of people with criminal records. I was the main organizer and a presenter for a  
7 national conference on reentry laws co-hosted by ANWOL in 2011 and 2012.

8 12. I also advocate for expansion of policies that protect the rights of people  
9 with conviction history. For example, in the City of Carson and the City of Compton,  
10 we have successfully advocated for “Ban the Box” initiative, which prohibits the local  
11 government from considering a job applicant’s criminal history before finding her  
12 otherwise-qualified for the position to which she is being considered. We have also  
13 sponsored several successful legislations in the state legislature, including in 2013  
14 Assembly Bill 218 (statewide “Ban the Box” signed into law by California Governor  
15 Jerry Brown last month), AB 651 (post-conviction relief for a broader group of people  
16 with low-level felony convictions), and Senate Bill 530 (prohibition against inquiry  
17 and use of dismissed records in employment). I have actively participated in all of  
18 ANWOL’s legislative and policy projects, zealously representing the interests of my  
19 clients that have a criminal record.

20 13. In 2007, while I was a student at the UCLA School of Law, I helped co-  
21 found the largest reentry legal clinic (“Clinic”) in Southern California. The Clinic is  
22 operated in partnership between A New Way of Life Reentry Project and the UCLA  
23 School of Law. Between 2008 and 2011, I was a supervising attorney for the Clinic,  
24 responsible for its procedures and policies.

25 14. Every month, the Clinic serves between 20 and 40 clients who seek to  
26 clean up their record to improve their employment chances in both South Central Los  
27 Angeles and Long Beach. I hear from a substantial number of them that they have  
28 trouble finding employment—and that they suspect that it is due to their past criminal

1 records. However, many of them cannot be certain of the reason, because the  
2 employer will simply refuse to acknowledge them or provide an explanation often  
3 *after* denying them employment. As an attorney working at a community-based  
4 organization advocating for their successful reentry, I see firsthand the despair  
5 associated with my clients' diminished employment prospects. Cases like this serve  
6 as critical positive steps toward improving their employment prospects.

7  
8 I declare under penalty of perjury under the laws of the United States that the  
9 foregoing is true and correct. Signed this 23rd day of June 2016 in Los Angeles,  
10 California.

11  
12 A NEW WAY OF LIFE REENTRY PROJECT

13  
14 By /s/ Joshua E. Kim  
JOSHAU E. KIM

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16 Attorney for Plaintiff  
17 JANE ROE  
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